



Louisiana Sentencing Commission Survey Report

Electronic Monitoring/ Home Incarceration: Judicial Survey I

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Background

Home Incarceration Team

- Task
 - How can technology be used to reduce cost and recidivism rates?
 - What barriers prevent the use of technology from being used effectively?
 - What changes can be made to increase use while maintaining quality?

Initial Findings

- Home Incarceration is not always monitored electronically
- Electronic Monitoring includes more than home incarceration
- No means of contacting service providers as a group
- Difficult to determine if orders were being fulfilled
- No mechanisms exist to ensure electronic monitoring technologies are valid

Plan of Action

- Step 1:
Change law to provide a means of collecting relevant data
- Step 2:
Collect/ Analyze Data
- Step 3:
Report Data/Get feedback
- Step 4:
Make Recommendations

Plan of Action:

STEP 1: Legislation

- Amend 894.2 2011
 - Require Providers to report to DOC
 - Require Clerks to submit minutes to DOC
 - Tasks DOC with developing standards

Plan of Action:

Step 2: Collect/Analyze Data

- Create Database --Online Jan 2012:
 - 2 providers have registered and have begun inputting participant data when sentenced to home incarceration or electronic monitoring.
 - 3 clerks have begun submitting minutes
- Survey Other States Policy
- Survey Stakeholders
 - Judges*
 - Supervision Officers
 - Providers*

Plan of Action:

Step 3: Report Data

- Report data to stakeholders
 - Judges
 - DA
 - Supervision Officers
 - Law Enforcement
- Ask for input from stakeholders!!

Plan of Action:

Step 4: Make Recommendations

- Based on:
 - Evaluation of current processes/ practices
 - Evaluation of other state programs
 - Input from stakeholders

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Judicial Survey Details

Purpose of Survey:

- Identify
 - Louisiana home incarceration and electronic monitoring service providers
 - Technologies used by the court
 - When technologies and home incarceration are used by the court
 - How service providers are chosen
 - Factors limiting the use of technology and home incarceration
- Determine if use in pretrial affects sentencing decisions
- Evaluate the use of technology when mandated by law

Distribution and Collection

- The form was distributed to each municipal and district court judge in Louisiana by the 5th Circuit court of Appeals.
- The same office oversaw the collection of surveys via fax and telephone.

Monitoring Addressed

- Home Incarceration



- Tracking

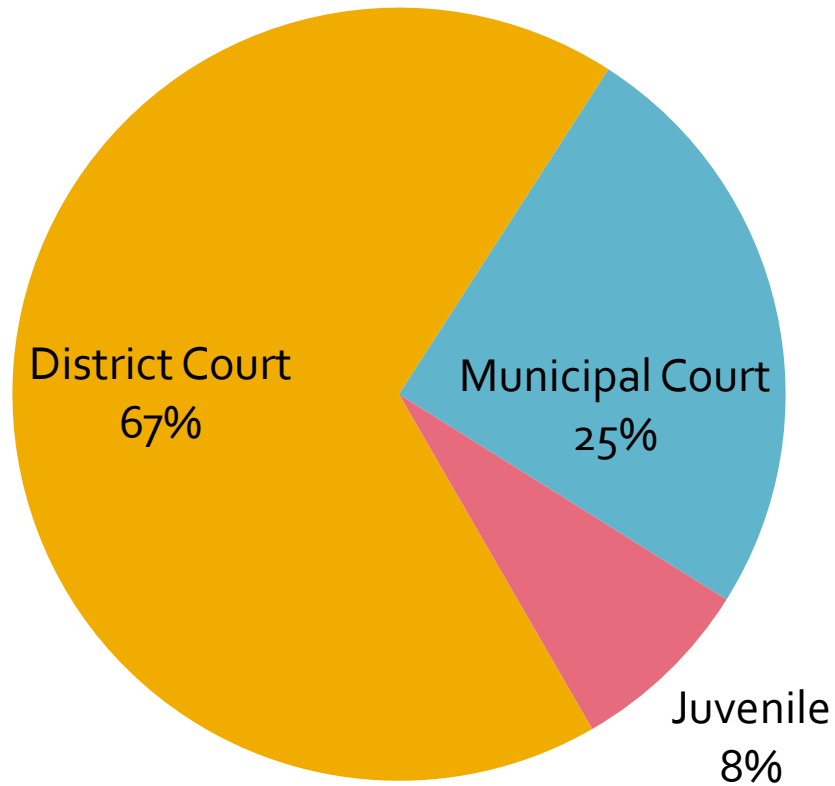


- Alcohol Monitoring



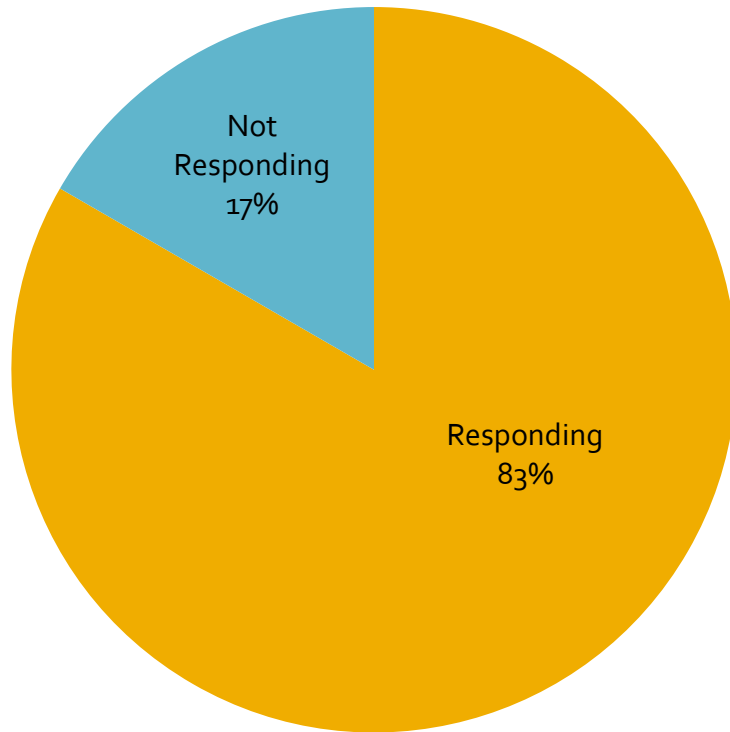
Response Description

119 Responses

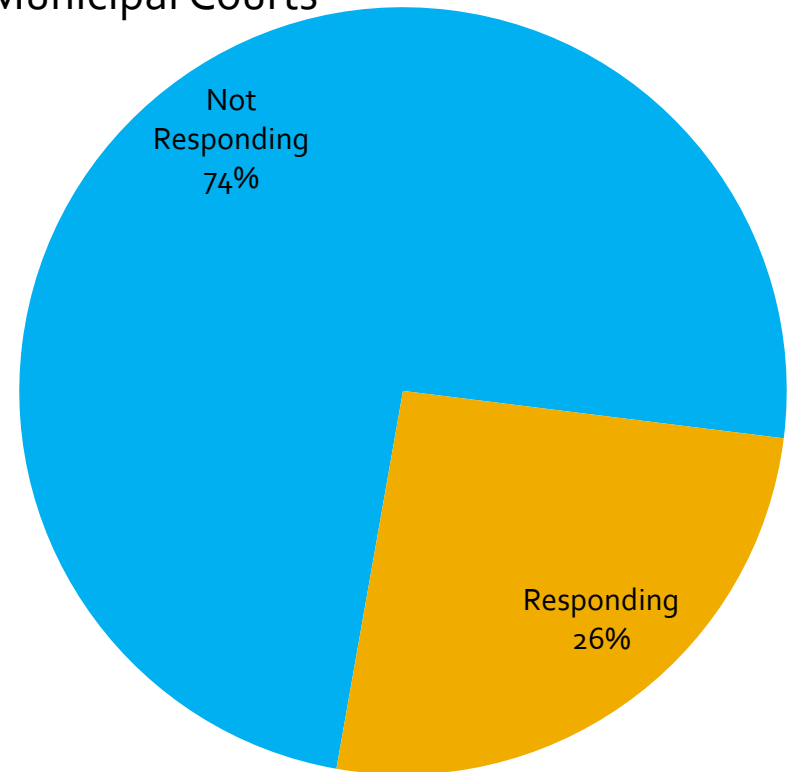


Courts Responding

District Courts



Municipal Courts



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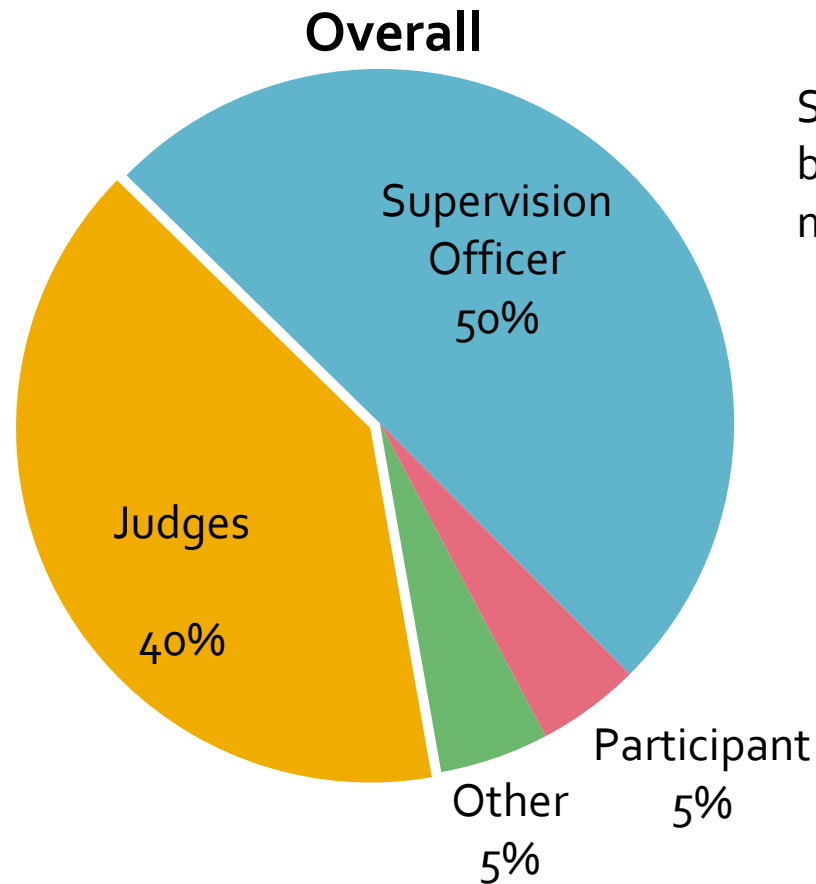
Providers

43 Unique Providers

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Provider Selection

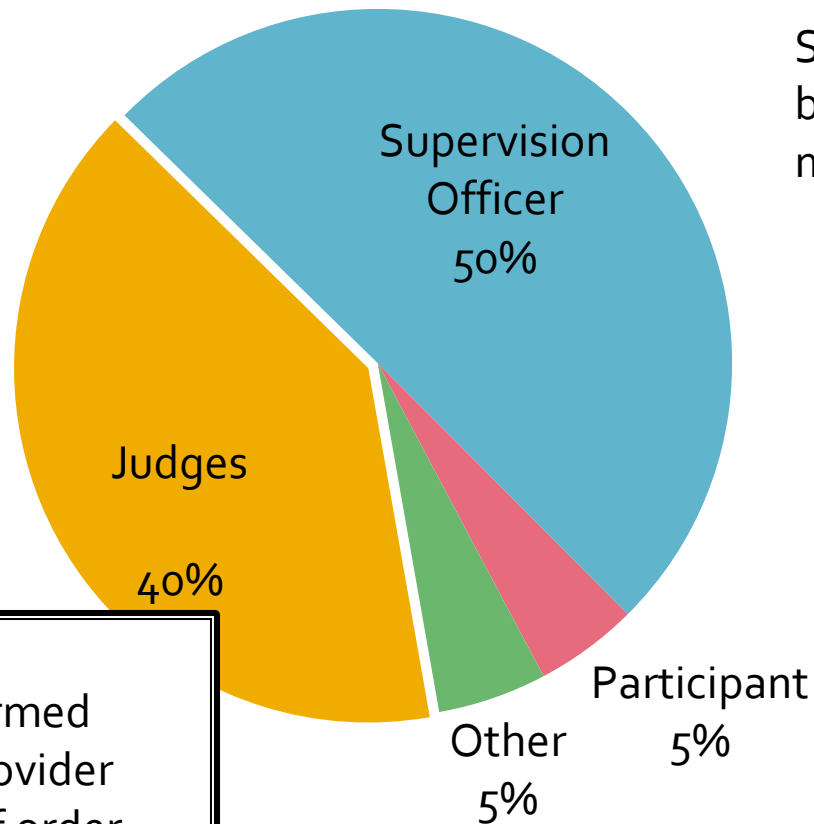
Who Selects Service Providers?



Similar for all Items
but 1 alcohol
monitoring technology

Who Selects Service Providers?

Overall



Similar for all Items
but 1 alcohol
monitoring technology

68-88% of responders
report the court is informed
if the identity of the provider
at or before the time of order

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Home Incarceration

Home Incarceration Technologies

Non Electronic Means

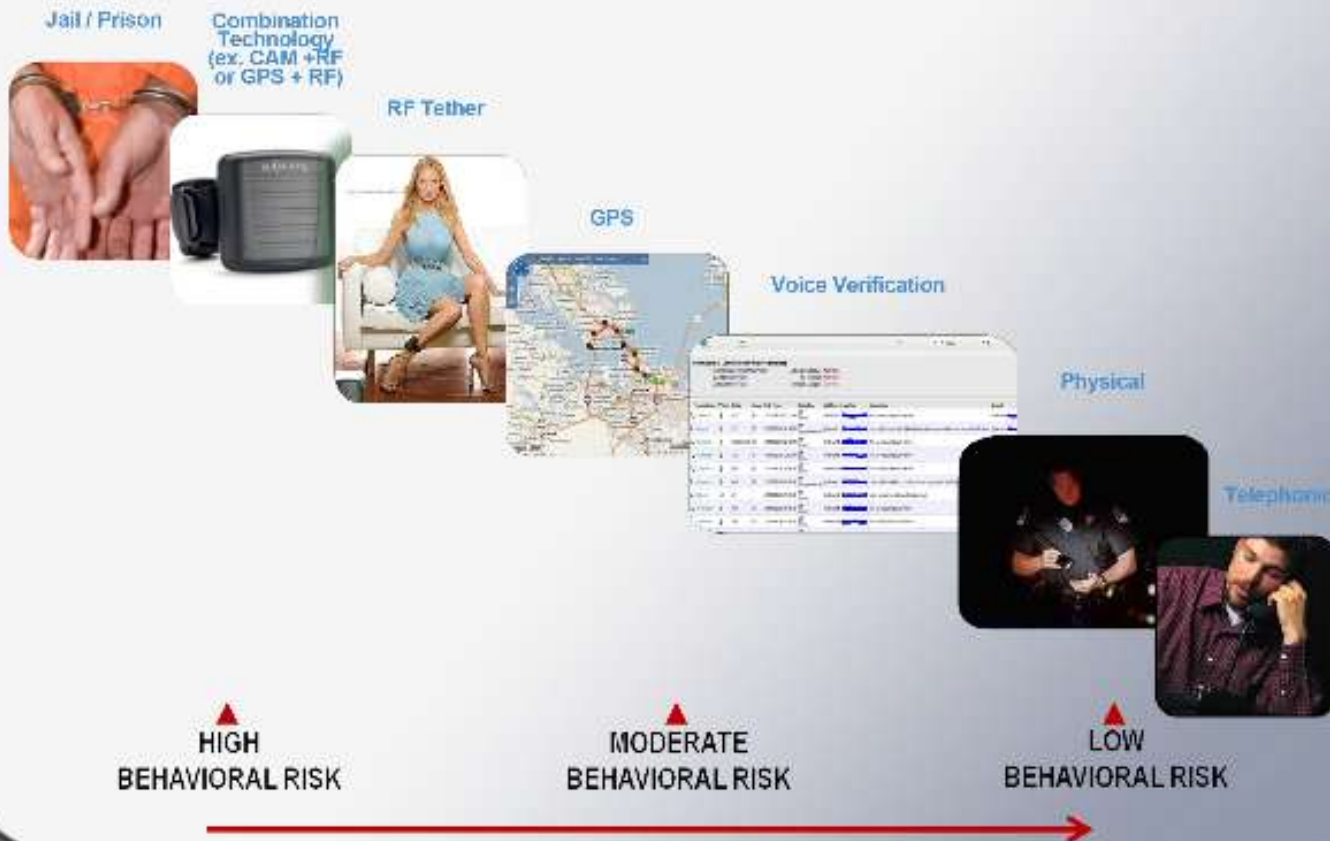
- **NM**-No Monitoring
- **Phys**-Home Incarceration monitored with random physical checks
- **Telephonic**-Home Incarceration monitored by physically calling the participant or requiring the participant to call into an answering machine

Electronic Means

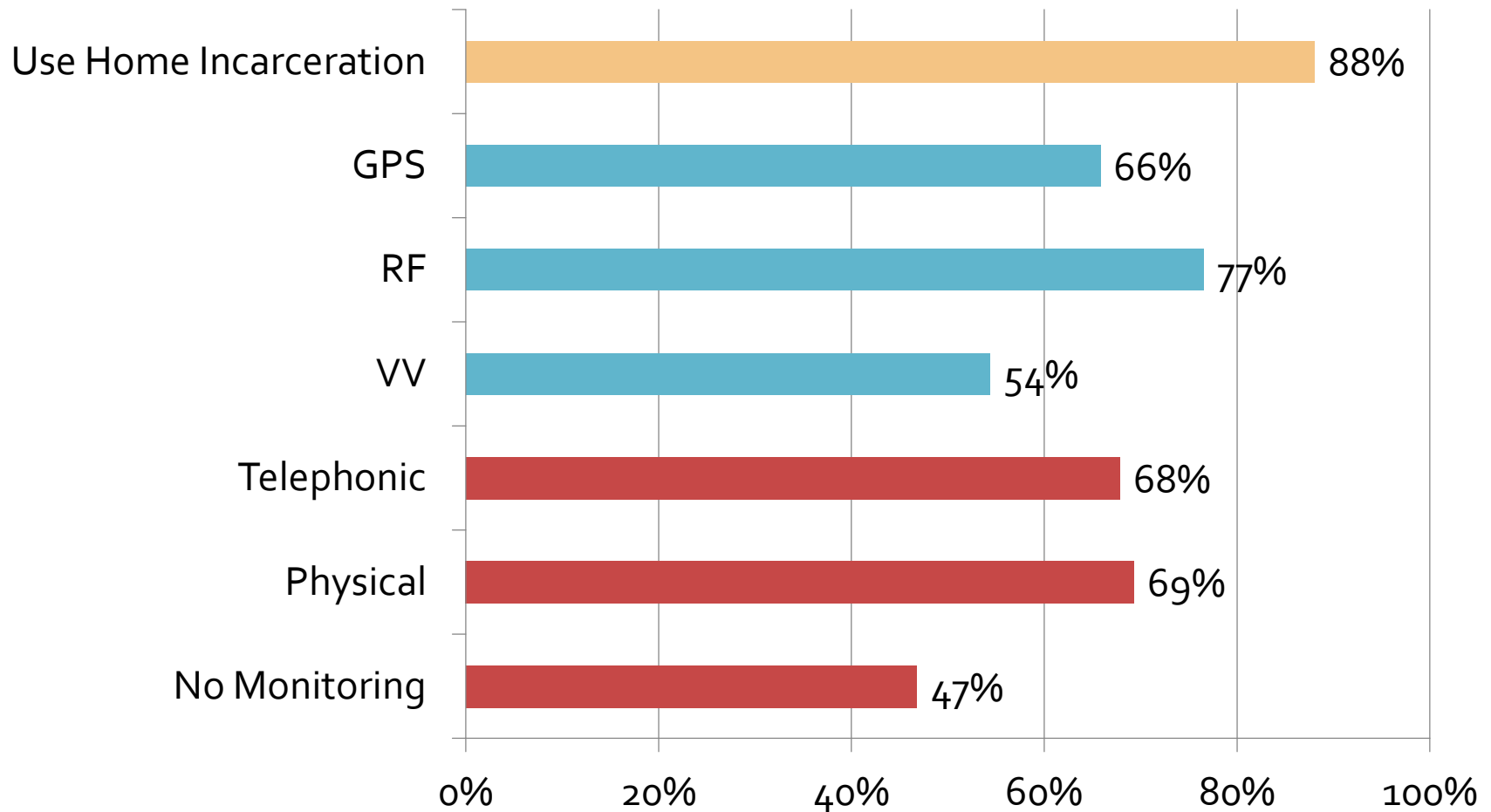
- **VV**- Voice Verification Technology. Monitor by electronically calling the participant and matching their voiceprint.
- **RF Tether**- Radio Frequency Home Incarceration bracelet using a landline telephone. Detects when participant leaves/enters the area
- **GPS**- Global Positions Satellite bracelets are worn by the offender and tracks their location.

Home Incarceration

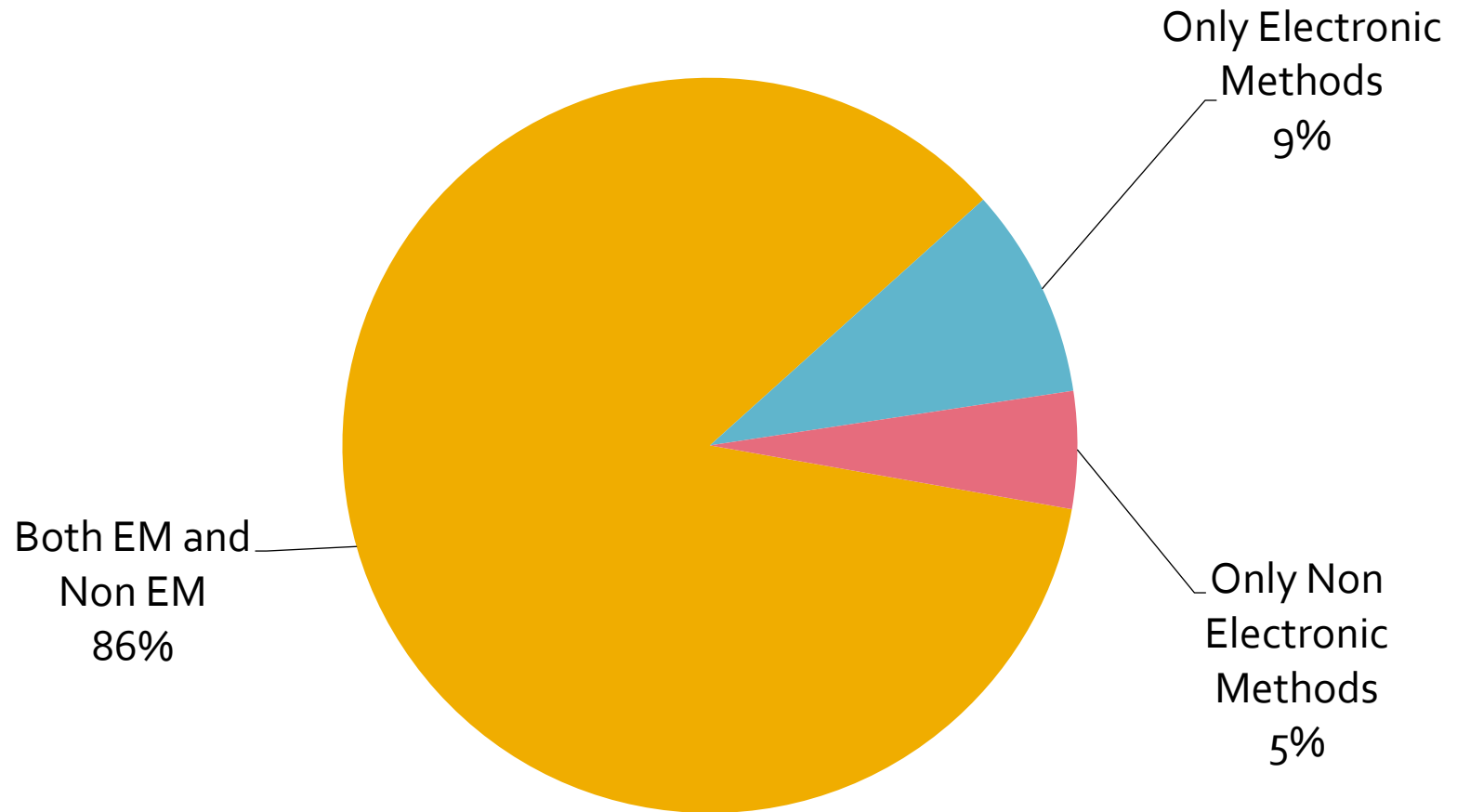
HOME INCARCERATION MONITORING CONTINUUM



What Methods are Used to Monitor Home Incarceration?



What Types of Monitoring are Used in Home Incarceration?



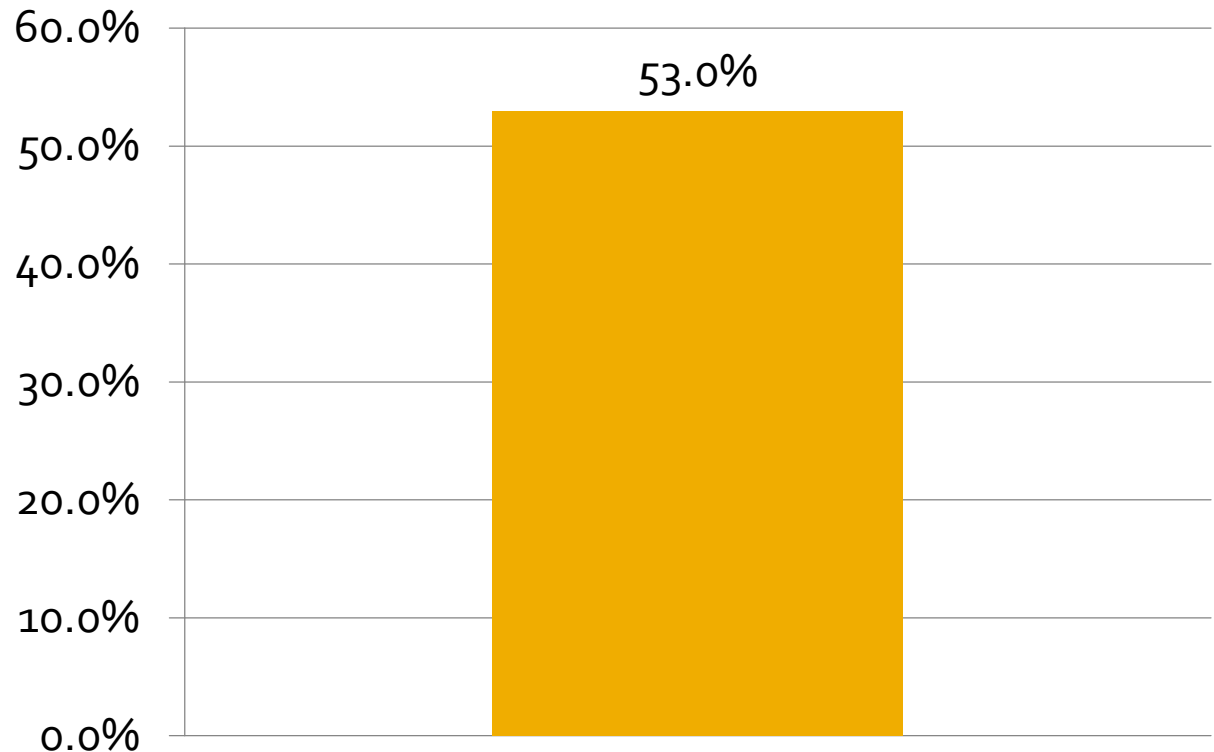
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GPS Tracking

GPS Tracking

GPS Tracking is used to track participants locations at all times. This data can be used to ensure the participant avoids predetermined area (Exclusion Zones) or remain within areas (Inclusion Zones.)

**Percent of responders that use GPS
Tracking**



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Alcohol Monitoring

Alcohol Monitoring

ALCOHOL MONITORING CONTINUUM

Jail / Prison



Pharma-
Injectable



SCRAMx



SCRAM



Alcohol
Biomarkers



Random
Testing



Supervised
2x Breath



Ignition
Interlock



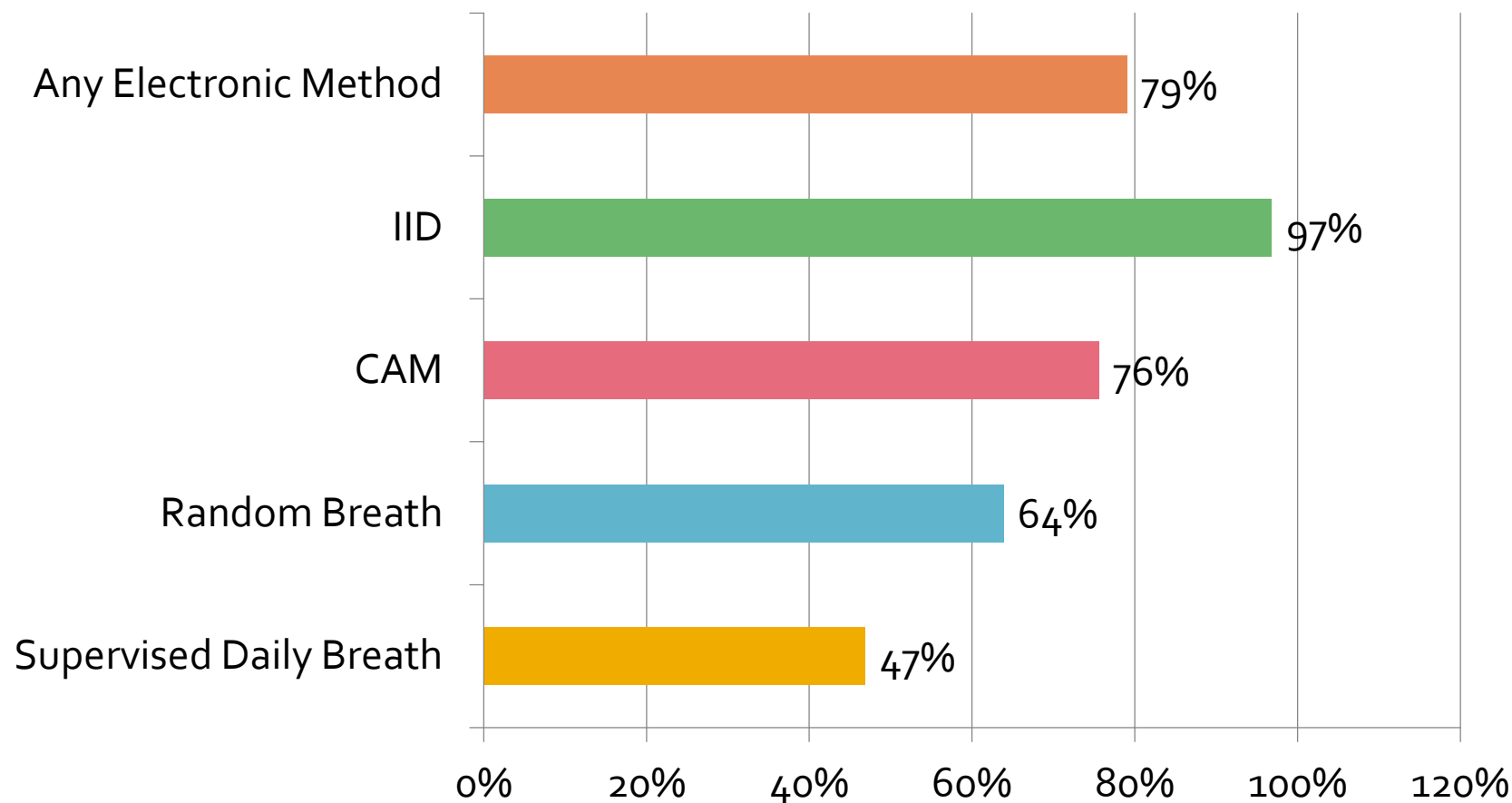
▲
HIGH
BEHAVIORAL RISK

▲
MODERATE
BEHAVIORAL RISK

▲
LOW
BEHAVIORAL RISK



What Electronic Methods are used to Monitor Alcohol Consumption/ Abstinence



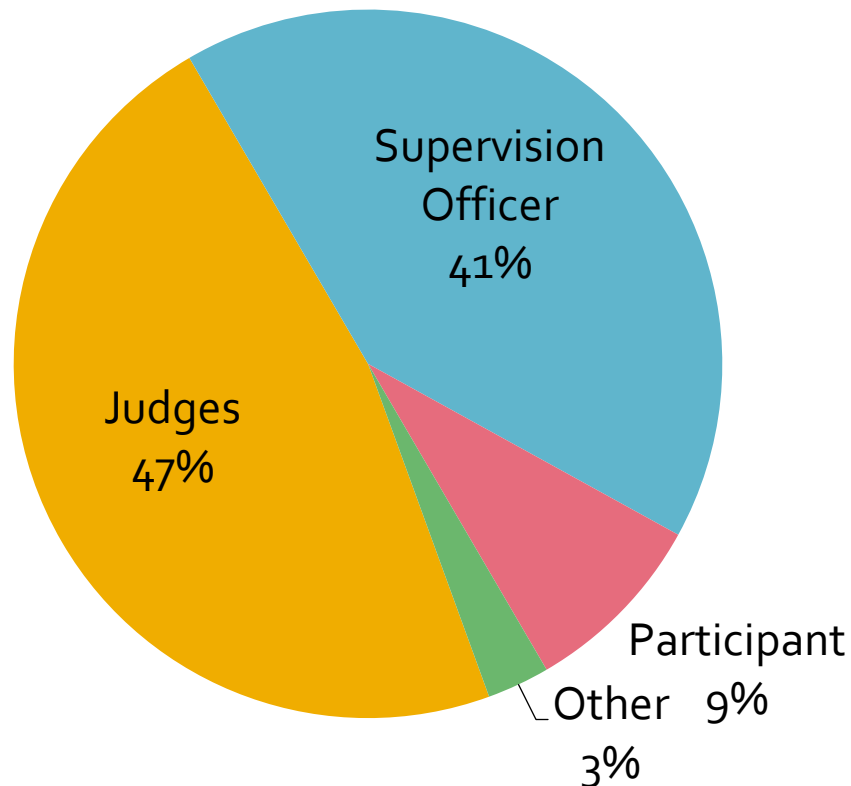
*As a percentage of Responders That Use **Any Method of Electronic Alcohol Monitoring**

**All those that indicating they do NOT use IID, use CAM

Who Selects Service Providers

CAM

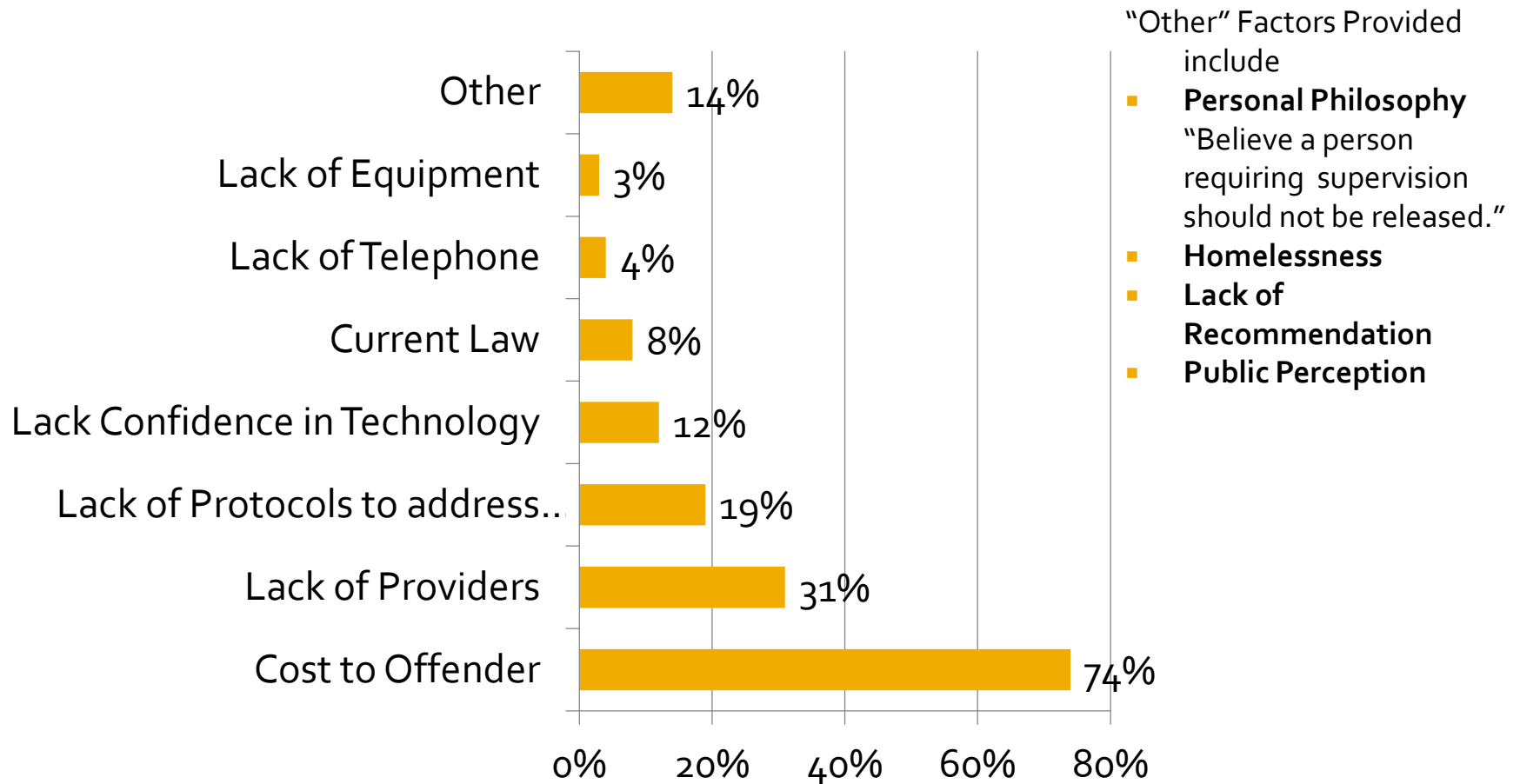
Judges choose more
and Participants
choose less than with
other technologies



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Limiting Factors

Limiting Factors



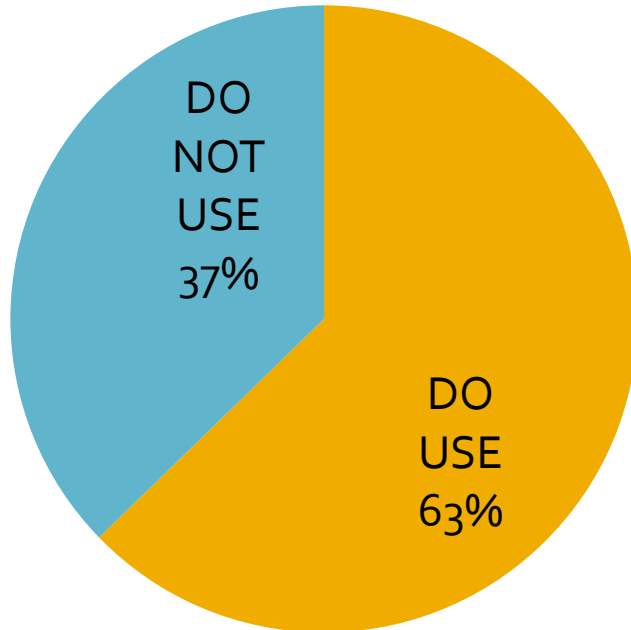
89% of those that cited "Lack of Providers" also Cited "Cost to Offenders"

Judges were less likely to cite "Lack of Providers" when Judges selected Service Provider (18%)

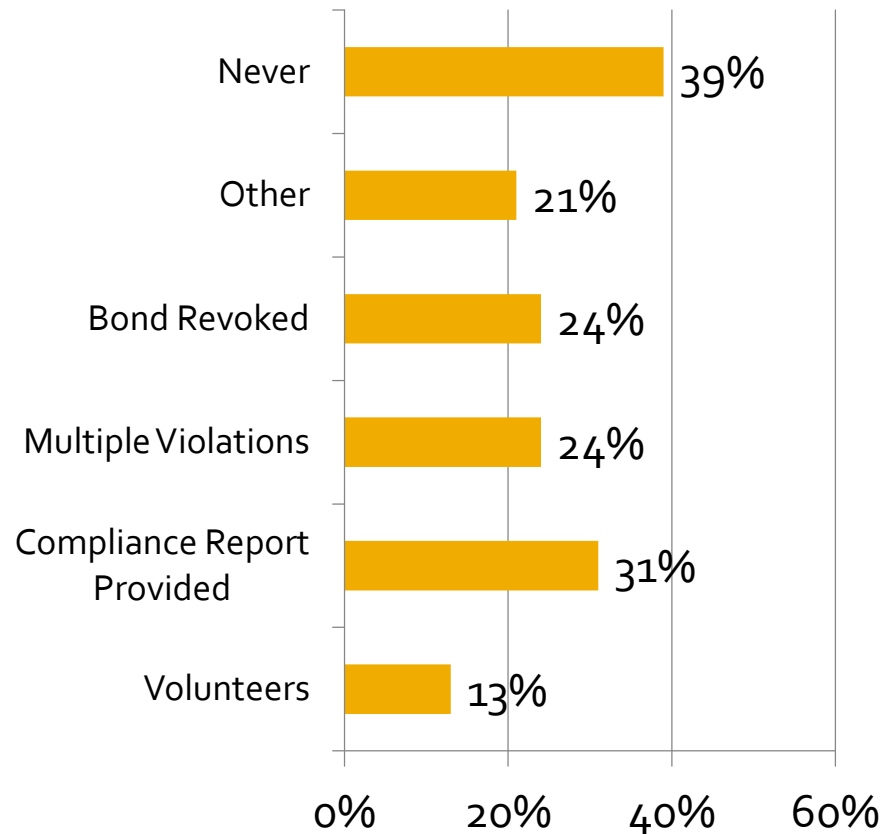
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Pretrial Participation

Pre-trial performance to determine sentencing?



When Is It Used?



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Mandatory Monitoring

When EM is Required by Law in Criminal Court

When is it Required?

- IID for 2nd and Subsequent DWI
- Electronic Monitoring for Sex Crimes



CCRP

Art. 336.2

A Snapshot of EM use in a Criminal Court Setting

Conditions of release on bail; operating a vehicle while intoxicated

The court shall require as a condition of release on bail that any person who is charged with a second or subsequent violation of R.S. 14:32.1, 39.1, 39.2, 98, 98.1, or a parish or municipal ordinance that prohibits the operation of a motor vehicle while under the influence of alcohol or drugs to install an ignition interlock device on any vehicle which he operates. The defendant shall have fifteen days from the date that he is released on bail to comply with this requirement, and the ignition interlock device shall remain on the vehicle or vehicles during the pendency of the criminal proceedings. Failure to comply with this condition of release shall result in the revocation of bail and reincarceration of the defendant. Under exceptional circumstances, the court may waive the provisions of this Article but shall indicate the reasons therefore to the law enforcement agency who has custody of the alleged offender documentation.

- Who is Responsible for compliance?
- What are Acceptable Extenuating Circumstances?
- When waived, what other conditions of bond are imposed?

CCRP

Art. 336.2

A Snapshot of EM use in a Criminal Court Setting

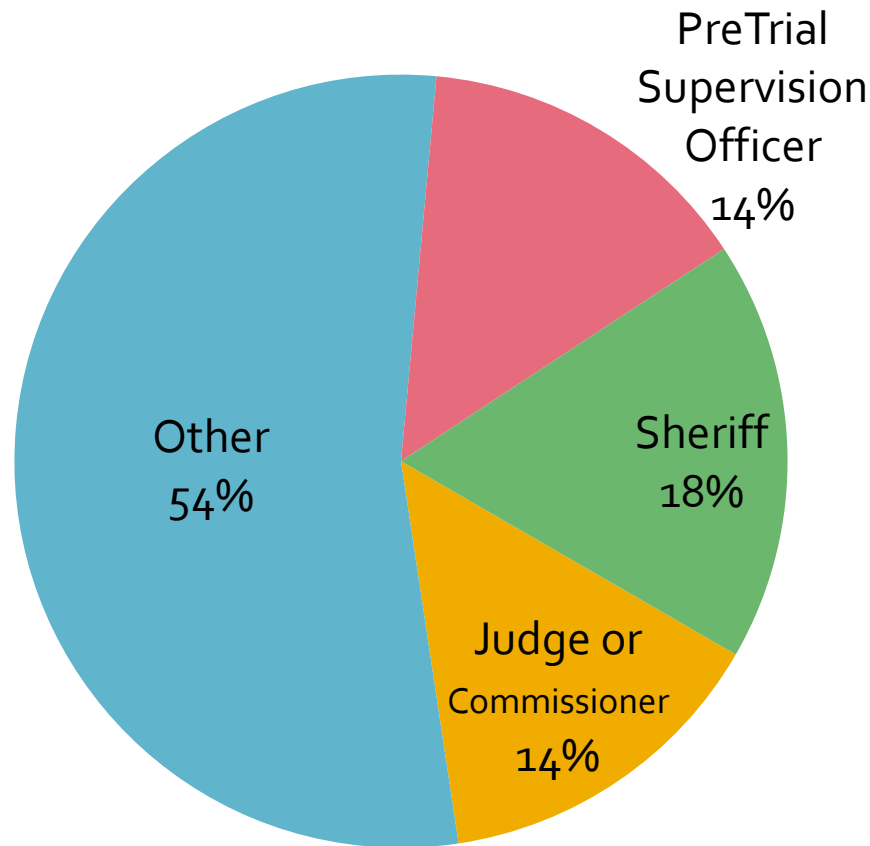
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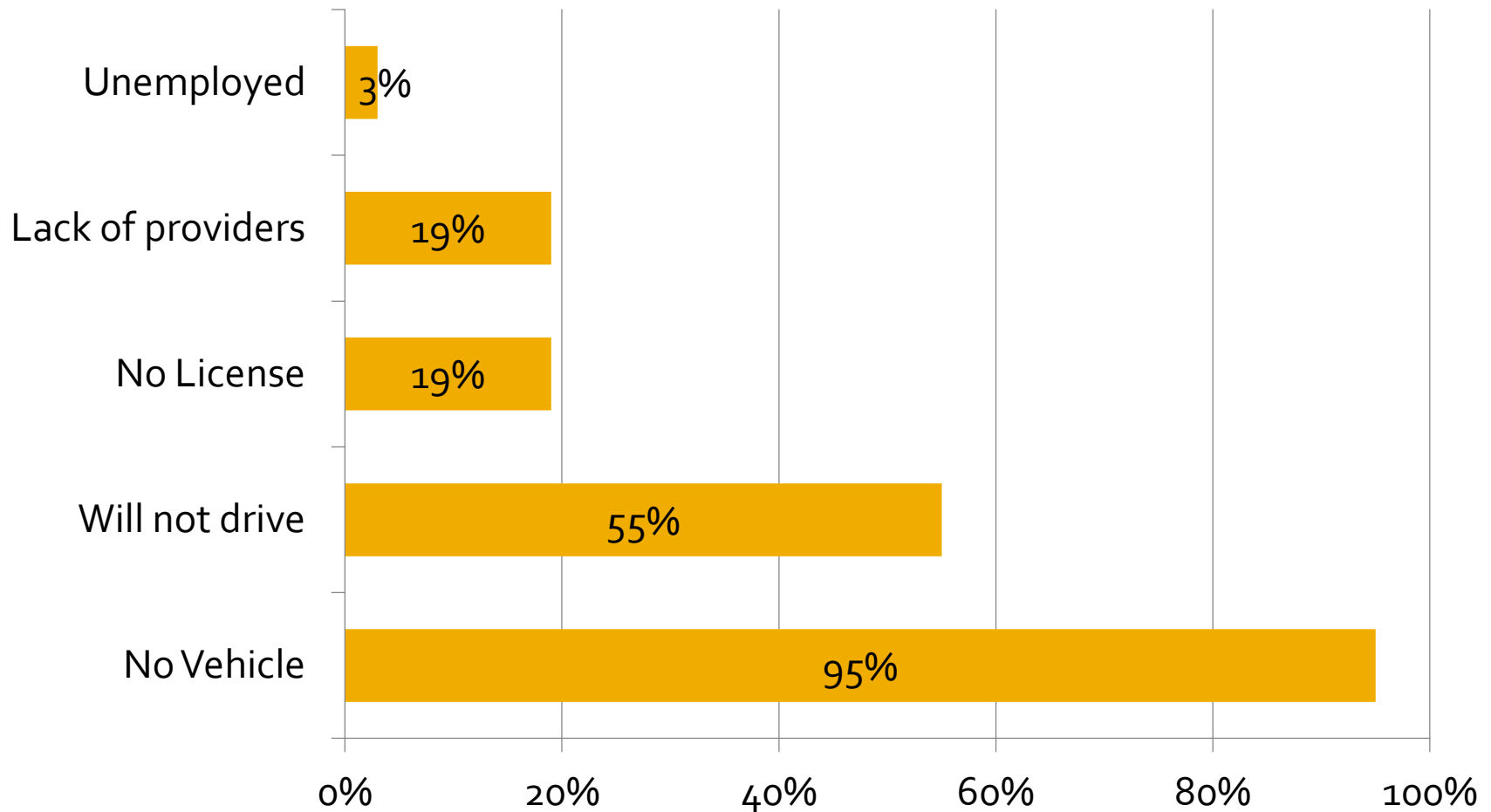
- Who is Responsible for compliance?
- What are Acceptable Extenuating Circumstances?
- When waived, what other conditions of bond are imposed?

Who is Responsible for determining compliance at 15 days

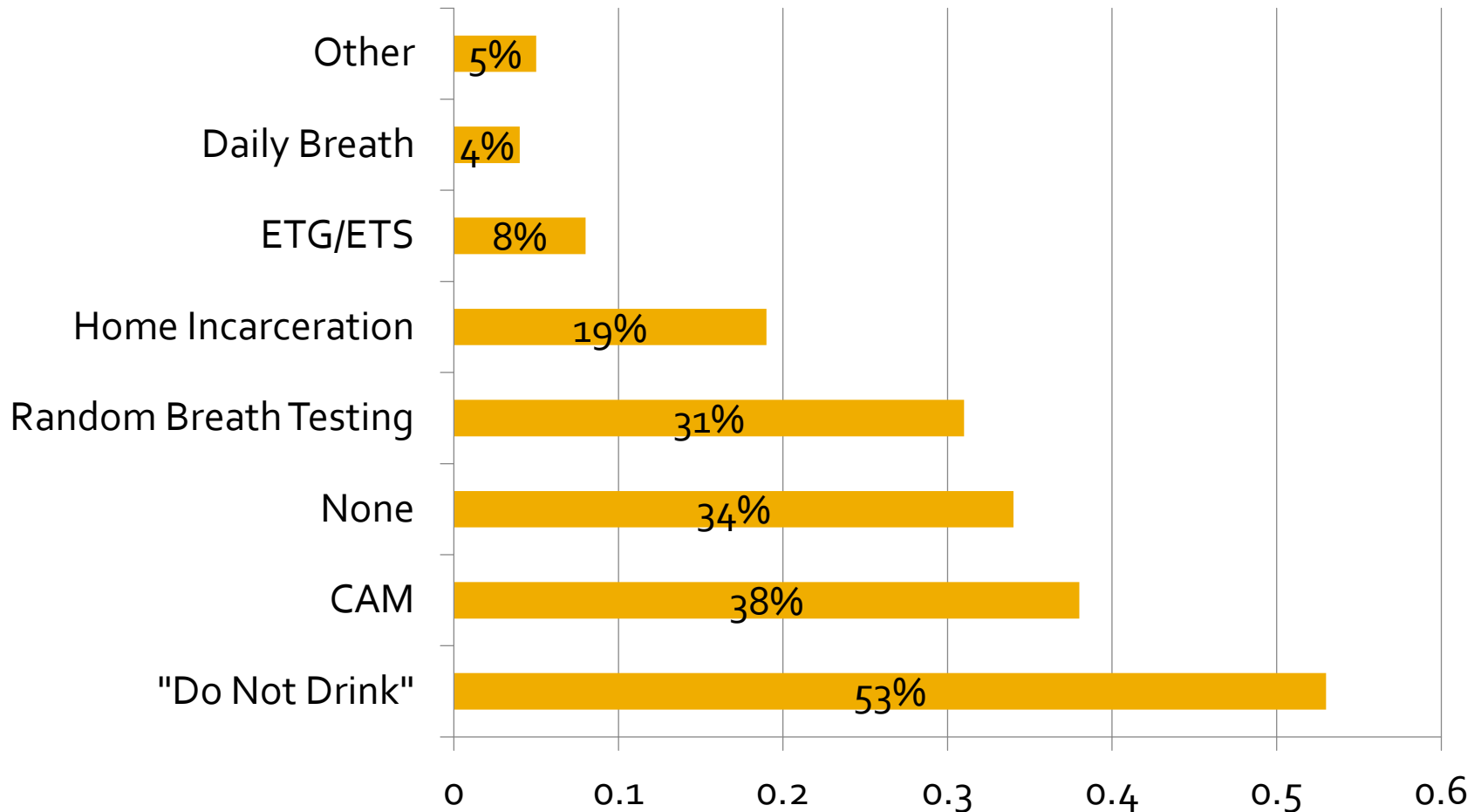


(Many of the Responders wrote in "DMV" as other party)

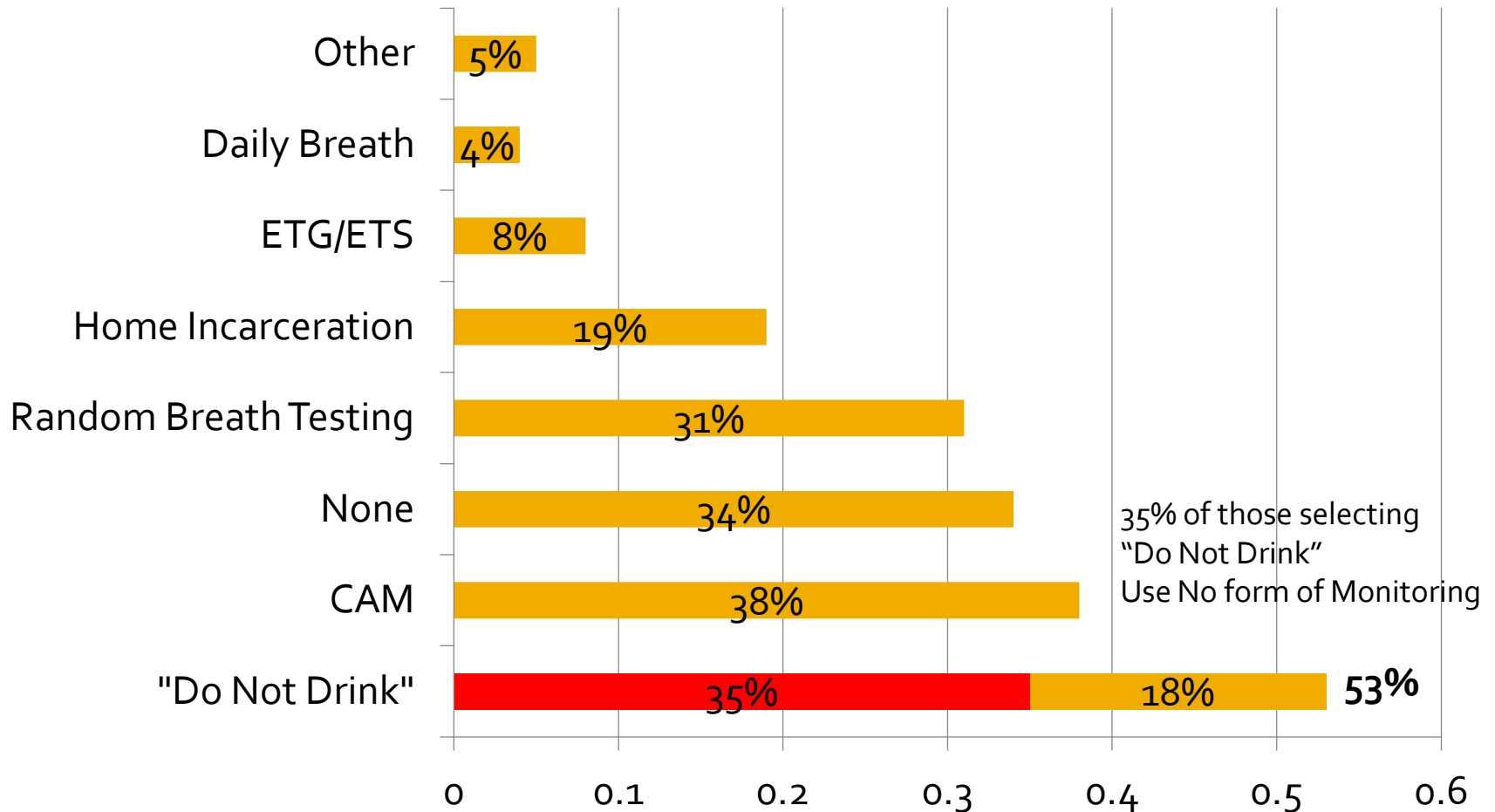
Acceptable Extenuating Circumstances



Additional conditions of bond imposed when IID requirement is waived



Additional conditions of bond imposed when IID requirement is waived



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Summary

Key Findings

- Providers need to meet the needs of both the court and supervision officers.
- Cost to the offender, Availability of Service , and Violation Protocols must be addressed to increase use.
- Participation in Pretrial programs has potential to effect sentencing positively or negatively.
- Monitoring requirements are often waived and not replaced by an appropriate technology.

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Questions/ Comments